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United States
Environmental Protection
Agency

Region 10
1200 Sixth Avenue
Seattle WA 98101

Alaska
Idaho
Oregon
Washington

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Incoming 9302987

Reply to
Attn of: HW-106

Date: July 22, 1992

Subject: Redrafted EPA HSWA Permit Conditions

From: Carrie Sikorski, Chief *CSikorski*
RCRA Permit Section

To: Ronald Brunke
Westinghouse Hanford Company

Mark Hermiston
Bonneville Power Administration

Barry Bede
U.S. Ecology, Inc.

Bill Kiel
Washington Public Power Supply System

Dave Jansen
Washington Department of Ecology

Enclosed is a new draft of the HSWA conditions for the Hanford Resource Conservation and Recovery Permit. You will note that specific SWMUS are not yet identified for the WPPSS Hanford Generating Plant or the State Leased Lands. This is because we are still in the process of completing RCRA Facility Assessments for those areas. Inclusion of the general areas in the text of the draft document is to advise you that we believe these areas should appropriately be covered under RCRA Corrective Action jurisdiction. We are looking forward to discussing these conditions with you at our next meeting, which is now scheduled for July 29, 1992, here at EPA's Regional Office in Seattle. If you have any questions about arrangements for the meeting, please call me at (206) 553-2851 or Dan Duncan at (206) 553-6693.



DRAFT HSWA PORTION OF RCRA PERMIT

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Permit No.: WA 789000 8967

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INTRODUCTION

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Permittee: US Department of Energy

EPA I.D. No.: WA 789000 8967

Pursuant to the Solid Waste Disposal Act (42 U.S.C. §3251 et seq.), as amended by the Resource Conservation and Recovery Act of 1976 (42 USC §6901 et seq., commonly known as RCRA), and the Hazardous and Solid Waste Amendments of 1984 (HSWA) and regulations promulgated thereunder by the U.S. Environmental Protection Agency (EPA) (codified and to be codified in Title 40 of the Code of Federal Regulations), a permit is issued to U.S. Department of Energy and such other party who may be leasing or otherwise utilizing the land subject to the corrective action requirements (hereafter called the Permittee), who owns and operates a dangerous waste treatment, storage and disposal facility located at Richland, Washington.

In accordance with 40 CFR 271.19(f) this Permit, in conjunction with the Permit for the Treatment, Storage, and Disposal of Dangerous Waste, issued by the Washington State Department of Ecology, constitutes the RCRA permit for this facility. The Permittee, pursuant to this permit, shall be required to investigate any releases of hazardous waste or hazardous constituents (from any unit) at the facility regardless of the time at which waste was placed in such unit. The Permittee shall be required to take corrective action for any such releases on-site and/or off-site. The Permittee shall also be required to comply with all land disposal restrictions applicable to this facility and to certify annually that on-site generation of hazardous waste is minimized to the extent practicable.

The Permittee must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein and applicable regulations contained in 40 CFR Parts 124, 260 through 264, 266, 268, and 270. Nothing in this permit shall preclude the Administrator from reviewing and modifying the permit at any time during its term in accordance with 40 CFR §270.41 and Appendix E, as contained herein.

Applicable federal regulations are those which are in effect on the date of final administrative action on this permit and any self implementing statutory provisions and related regulations which, according to HSWA are automatically applicable to the Permittee's dangerous waste management activities, notwithstanding the conditions of this Permit.

This permit is based on the administrative record and the assumption that information and reports submitted to date, and subsequent to issuance of this permit, by the Permittee, are accurate. Any inaccuracies found in this information may be grounds for termination or modification of this permit, in accordance with 40 CFR §270.41, §270.42, and §270.43 and potential enforcement action. The Permittee must inform the EPA of any deviation from or changes in the information in the application, which would affect the Permittee's ability to comply with the applicable regulations or permit conditions, or which may affect substantive provisions of the permit.

DEFINITIONS

For purposes of this permit, the following definitions shall apply:

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- a. "Administrator" shall mean the Administrator of the U.S. Environmental Protection Agency (EPA) or a designated representative. The Director, Hazardous Waste Division, EPA Region 10 (with the address as specified on page one of this permit) is a duly authorized and designated representative of the Administrator for purposes of this permit.
- b. "Agency" shall mean the U.S. Environmental Protection Agency, Region 10, (with the address specified on page one of this permit).
- c. "RCRA Permit" shall mean the Permit for Storage, Treatment, and Disposal of Dangerous Waste issued by the Washington State Department of Ecology, pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC, and the HSWA Portion of the RCRA Permit issued by Environmental Protection Agency, Region 10, pursuant to 42 U.S.C. 3251 et seq. and 40 CFR Parts 124 and 270.
- d. "facility" or "site" shall mean the approximately 560 square miles in Southeastern Washington State including leased lands, State owned lands, and lands owned by the Bonneville Power Administration, which is owned by the United States Department of Energy and which is commonly known as the Hanford Reservation. The facility includes that identified in the physical description of the contiguous property (including structures, appurtenances, and improvements) used to manage dangerous waste. This property description is set forth in Attachment 1 of the Ecology portion of the RCRA permit.
- e. "FFACO" means the Hanford Federal Facility Agreement and Consent Order, as amended.
- f. "Hazardous Constituent" means any constituent identified in Appendix VIII of 40 CFR Part 261, or any constituent identified in Appendix IX of 40 CFR Part 264.
- g. "solid waste management unit (SWMU)" shall mean any discernible unit at which solid waste has been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which hazardous waste or hazardous constituents (40 CFR Part 261, Appendix VIII) have been routinely and systematically released.
- h. "Permittee" shall mean the United States Department of Energy and other party who may be leasing or otherwise utilizing the land subject to corrective action requirements.
- i. "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment of any hazardous waste or hazardous constituents.

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- j. Unless otherwise noted, all schedules refer to calendar time; i.e., thirty (30) days means thirty (30) calendar days.
- k. All definitions contained in 40 CFR Parts 124, 260 through 264, and 270 are hereby incorporated by reference into this permit, except that any of the definitions used above shall supersede any definition of the same term given in the respective regulations. Where terms are not defined in the regulations or the permit, the meaning associated with such terms shall be the standard dictionary definition or their generally accepted scientific or industrial meaning.

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PART I. STANDARD CONDITIONS

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I.A. EFFECT OF PERMIT

- I.A.1 This permit requires the Permittee to investigate any releases of hazardous waste or hazardous constituents from SWMUs listed in Table III-1, as identified in the April 1992 RCRA Facility Assessment. This permit also provides procedures for reporting new units, requires the Permittee to comply with all land disposal restrictions applicable to this facility and requires annual certification that on-site generation of hazardous waste is minimized to the extent practicable.

I.B. PERSONAL LIABILITY

- I.B.1 The Permittee shall hold harmless and indemnify the United States, the Agency, and officers, employees, and agents of the United States from any claim, suit, or action arising from the activities of the Permittee or its contractors, agents, or employees under this permit.

I.C. PERSONAL AND PROPERTY RIGHTS

- I.C.1 This permit does not convey property rights of any sort, or any exclusive privilege, nor authorize any injury to persons or property or invasion of other private rights, or any infringement of Federal, State, or local laws or regulations.

I.D. PERMIT ACTIONS

- I.D.1 This permit may be modified, revoked and reissued, or terminated for cause, as specified in 40 CFR §§270.41, 270.42, and 270.43.
- I.D.2 The filing of a request for a permit modification, or revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance on the part of the Permittee shall not stay the applicability or enforceability of any permit condition.

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I.E SEVERABILITY

- I.E.1 The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby. Invalidation of any state or federal statutory or regulatory provision which forms the basis for any condition of this permit does not affect the validity of any other state or federal statutory or regulatory basis for said condition.
- I.E.2 If any permit condition is contested, that permit condition, as well as any nonseverable conditions, shall be automatically stayed in accordance with 40 CFR §124.16.
- I.E.3 In the event that a condition of this permit is stayed for any reason, the Permittee shall continue to comply with the corresponding interim status standards in 40 CFR Part 265 until final resolution of the stayed condition.

I.F DUTY TO COMPLY

- I.F.1 The Permittee shall comply with all conditions of this permit, except that the Permittee need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit issued under 40 CFR §270.61. Any permit noncompliance, except under the terms of an emergency permit, constitutes violation of RCRA, as amended by HSWA, and is grounds for enforcement action, permit termination, modification, revocation and reissuance of the permit, and/or denial of a permit renewal application.
- I.F.2 Compliance with the terms of this permit does not automatically constitute a defense to any action brought under Sections 3007, 3008, 3013, and 7003 of RCRA (42 U.S.C. §§6927, 6928, 6934, and 6973) or Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) [42 U.S.C. §9606(a)] as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), or any other federal law governing protection of public health or the environment. However, compliance with the terms of this permit does constitute a defense to any action alleging failure to comply with the applicable standards upon which this permit is based.

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I.G DUTY TO REAPPLY

- I.G.1 The Permittee must submit a complete application for a new RCRA permit at least one hundred and eighty (180) calendar days before the RCRA permit expires, unless a later date is granted by both the Director and the Administrator.

I.H CONTINUATION OF EXPIRING PERMIT

- I.H.1 As set forth in 40 CFR §270.51, this permit and all conditions herein will remain in effect beyond the permit's expiration date if the Permittee has submitted a timely, complete application (see 40 CFR §270.13 through §270.21), and through no fault of the Permittee both the Director and the Administrator have not made a final permit determination.

I.I NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

- I.I.1 It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

I.J DUTY TO MITIGATE

- I.J.1 In the event of noncompliance with this permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment. Such mitigation shall not be a defense to enforcement action.

I.K DUTY TO PROVIDE INFORMATION

- I.K.1 The Permittee shall furnish to the Administrator within a reasonable time any relevant information which the Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Administrator, upon request, copies of records required to be kept by this permit.

I.L INSPECTION AND ENTRY

- I.L.1 The Permittee shall allow the Administrator, or their authorized representatives, upon the presentation of identification, credentials, or other documents as may be required by law, to:

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- I.L.1.a Enter at reasonable times upon the Permittee's premises where hazardous or solid waste management units or activities are located or conducted, or where records are kept under the conditions of the RCRA permit;
- I.L.1.b Have access to and copy, at reasonable times, any records that must be kept under the conditions of the RCRA permit;
- I.L.1.c Inspect, at reasonable times, any portion of the facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under the RCRA permit; and,
- I.L.1.d Sample or monitor, at reasonable times, for the purposes of assuring permit compliance, or as otherwise authorized by RCRA, any substances or parameters at any location.

I.M MONITORING AND RECORDS

- I.M.1 Samples and measurements taken by the Permittee pursuant to the terms of this permit, shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261. Laboratory methods must be those specified in the most recent edition of Test Methods for Evaluating Solid Waste, EPA SW-846.
- I.M.2 The Permittee shall retain all records of all sampling and analysis information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation), records and results of inspections, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report, certification, or recording unless a longer retention period for certain information is required by other conditions of this permit. This three (3) year period may be extended by the Administrator at any time by notification, in writing, to the Permittee, and is automatically extended to three (3) years after the successful conclusion of any enforcement action.
- I.M.3 Records of monitoring information shall include:
- I.M.3.a The date, exact place, and time of sampling or measurements;
- I.M.3.b The name, title, and affiliation of the individual(s) who performed the sampling or measurements;
- I.M.3.c The date(s) analyses were performed;
- I.M.3.d The name, title, and affiliation of the individual(s) who performed the

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analyses;

- I.M.3.e The analytical techniques or methods used; and,
- I.M.3.f The results of such analyses, including the QA/QC summary.
- I.M.4 The Permittee may substitute analytical methods which are equivalent to those specifically approved for use in this permit in accordance with the following:
- I.M.4.a The Permittee submits to the Administrator a request for substitution of an analytical method(s) which is equivalent to the method(s) specifically approved for use in this permit. The request shall provide information demonstrating that the proposed method(s) is equal or superior to the approved analytical method(s) in terms of sensitivity, accuracy, and precision (i.e. reproducibility); and,
- I.M.4.b The Administrator notifies the Permittee in writing, by certified mail or hand delivery, that the substitution of the analytical method(s) is approved. Such approval shall not require a permit modification.

I.N. REPORTING PLANNED CHANGES

- I.N.1 The Permittee shall give prior notice to the Administrator, as soon as possible, of any planned physical alterations or additions to the permitted facility.

I.O. ANTICIPATED NONCOMPLIANCE

- I.O.1 The Permittee shall give at least thirty (30) calendar days advance notice, in writing, to the Administrator of any activity that might result in noncompliance with permit requirements. If advance notice is not possible, then the Permittee shall give notice within twenty four (24) hours of the time it becomes aware of the anticipated noncompliance. Such notice does not authorize any noncompliance with or modification of this permit.

I.P. TRANSFER OF PERMIT

- I.P.1 This permit may be transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to 40 CFR §270.40(b) or §270.41(b)(2). Before transferring ownership or operation of the facility during the post-closure period, the Permittee shall notify the new owner or operator in writing of the requirements of 40 CFR Parts 264 and 270 and the RCRA permit.

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I.Q TWENTY FOUR HOUR REPORTING

- I.Q.1 The Permittee shall verbally report to the Administrator any noncompliance with this permit that might endanger human health or the environment within twenty four (24) hours from the time the Permittee becomes aware of the noncompliance.
- I.Q.2 Within fifteen (15) calendar days of the time the Permittee becomes aware of any noncompliance that might endanger human health or the environment, the Permittee shall provide to the Manager and the Administrator a written submission. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance including exact dates and times, the anticipated time noncompliance is expected to continue if the noncompliance has not been corrected, corrective measures taken to mitigate the situation, and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

I.R OTHER NONCOMPLIANCE

- I.R.1 The Permittee shall report to the Administrator all other instances of noncompliance with this permit not reported under permit condition I.Q at the time of submittal of the TSD Facility Report (Form 5) required by WAC 173-303-390(2). The reports shall contain the applicable information listed in permit condition I.Q.

I.S OTHER INFORMATION

- I.S.1 Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or submitted incorrect information in the permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or corrected information.

I.T BIENNIAL REPORT

- I.T.1 The Permittee shall comply with the Biennial Report requirements of 40 CFR §264.75.

I.U SIGNATURE AND CERTIFICATION

- I.U All applications, reports, or other information submitted to Administrator by the Permittee pursuant to the permit shall be signed and certified in accordance with 40 CFR §270.11.

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I.V CONFIDENTIAL INFORMATION

- I.V.1 Any information submitted by the Permittee to the Administrator may be claimed as confidential by the Permittee in accordance with applicable provisions of OAR 340-100-003, 40 CFR §§260.2 and 270.12.

I.W REPORTS, NOTIFICATIONS, AND SUBMISSIONS

- I.W.1 All reports, notifications, and submissions which are required by this permit to be sent or given to the Administrator should be sent or given to: Chief, Waste Management Branch, EPA Region 10, HW-102, 1200 6th Avenue, Seattle, Washington 98101 (206) 553-2782.

This is the current phone number and address and may be subject to change.

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PART II. GENERAL FACILITY STANDARDS

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II.A OPERATION OF FACILITY

- II.A** The Permittee shall at all times properly operate and maintain, in accordance with sound engineering and scientific practice, all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee so as to achieve compliance with the conditions of this permit. Proper operation and maintenance includes, but is not limited to, effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this permit.

II.B ACCESS AND INFORMATION

- II.B.1** To the extent that work required by Part III of this permit must be done on property not owned or controlled by the Permittee, the Permittee shall use its best efforts to obtain site access agreements from the present owner(s) of such property no later than two weeks prior to the scheduled commencement of work. Best efforts shall mean, at a minimum, a certified letter from the Permittee to the current property owner(s) requesting access to such property and if a reply is received from the property owner, follow-up letters from the Permittee, as appropriate, to clarify the work contemplated and address the owner's reasonable concerns. In the event that the Permittee cannot obtain the necessary access agreements, the Permittee shall notify the Administrator in writing. The Administrator may, consistent with their legal authority, assist the Permittee in obtaining such agreements.

II.C OTHER PERMITS AND APPROVALS

- II.C.1** To the extent that work required by Part III of this permit must be done under permit(s) or approval(s) pursuant to other federal, state, or local regulatory authorities, the Permittee shall use its best efforts to obtain such permits. For the purposes of this permit condition the term "best efforts" shall, at a minimum, mean submittal of a complete application for the permit(s) and/or approval(s) no later than sixty (60) calendar days after the information necessary to prepare the application is available to the Permittee.

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II.D SCHEDULE EXTENSIONS

II.D.1 To the extent that activities required by Part III of this permit are not completed in accordance with the schedules contained therein, and the Permittee can demonstrate to the Administrator's satisfaction that the Permittee used best efforts to accomplish the activity within the required schedule, the Administrator shall grant the Permittee an extension to the schedule.

II.D.1.a For the purposes of this permit condition the term "best efforts" shall, at a minimum include performance of all activities necessary to award contract(s) to outside contractors no later than sixty (60) calendar days after the information necessary to award the contract(s) is available to the Permittee. "Best efforts" shall also mean adequate planning, funding, staffing, laboratory and process controls, and operation of backup or auxiliary facility or similar systems by the Permittee when necessary to meet the required schedules.

II.D.2 The Permittee shall notify the Administrator, in writing, no later than fifteen (15) calendar days after the Permittee determines that such schedules will not be met. The Permittee shall include with the notification all information supporting its claim that it has used best efforts to meet the required schedules. If the Administrator determines that the Permittee has made best efforts to meet such schedules, the Administrator shall notify the Permittee in writing by certified mail that the Permittee has been granted an extension and provide the Permittee a revised schedule reflecting this extension. Such a revision shall not require a permit modification.

II.E DISPUTE RESOLUTION

II.E.1 In the event the Administrator rejects, in whole or in part, any plan, report, or schedule required by Part III of this permit, the Agency or the Permittee may initiate the dispute resolution process and the following procedure will apply:

II.E.1.a The Administrator will notify the Permittee in writing of the acceptance, rejection, or proposed modification to the plan, schedule, or submittal. Such notice shall:

II.E.1.a.i Identify the problem(s) and, where appropriate, suggest the exact change(s) which need to be made to the plan, schedule or submittal;

II.E.1.a.ii Provide an explanation and supporting documentation or data of why modification is needed; and,

II.E.1.a.iii In the event the Administrator proposes a modification, the notice will

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provide a date by which comments on the proposed modification must be received from the Permittee. Such date will not be less than thirty (30) calendar days from the date of the Permittee's receipt of the notice under Permit Condition II.E.1.a.

II.E.1.b If the Administrator receives no written comments on the proposed modification from the Permittee, the modification will become effective five (5) calendar days after the close of the comment period specified under Permit Condition II.E.1.a.iii. The Administrator will promptly notify the Permittee that the modification has become effective.

II.E.1.c If the Permittee submits written comments on the proposed modification, the Administrator shall make a final determination concerning the modification within thirty (30) calendar days after the end of the comment period, if practicable. The Administrator shall then notify the Permittee in writing of the final decision. Such notification shall:

II.E.1.c.i Indicate the effective date of the modification, which shall be not later than fifteen (15) calendar days after the date of notification of the final modification decision;

II.E.1.c.ii Include an explanation of how comments were considered in developing the final modification; and,

II.E.1.c.iii Provide a copy of the final modification.

II.E.2 Modifications initiated and finalized by the Administrator using the procedure specified in Permit Condition II.D.1 are not subject to administrative appeal. Judicial review is still available.

II.F. WASTE MINIMIZATION

II.F.1 In accordance with 40 CFR 264.73(b)(9), the Permittee must place a certification in the operating record on an annual basis that:

II.F.1.a A program is in place to reduce the volume and toxicity of hazardous waste generated to the degree determined by the Permittee to be economically practicable; and,

II.F.1.b The proposed method of treatment, storage or disposal is that practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment.

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II.F.2 The Permittee shall maintain each such certification of waste minimization in the operating record as required by 40 CFR 264.73(b) until closure of such facility.

II.G. **LAND DISPOSAL RESTRICTIONS**

II.G.1 The Permittee shall comply with all applicable requirements of the land disposal restrictions of 40 CFR Part 268.

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PART III. CORRECTIVE ACTION

III.A. INTEGRATION WITH THE FFACO

III.A.1. Section 3004(u) of RCRA (Section 206 of HSWA) and regulations promulgated at 40 CFR 264.101 require corrective action, as necessary, to protect human health and the environment for all releases of hazardous waste or hazardous constituents from any solid waste management unit (SWMU), for all permits issued after November 8, 1984.

A Federal Facility Agreement and Compliance Order (FFACO) under Section 120(e)(2) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) provides another mechanism which can be used to investigate and clean up releases of hazardous waste and constituents as necessary, to protect human health and the environment.

The corrective action for the facility will be satisfied by the FFACO, except for those units not covered by the FFACO as set out in paragraphs (a) through (d) below:

(a) U.S Ecology

- i. SWMU 1: Chemical Trench
- ii. SWMUs 2-13: Low-Level Radioactive Waste Trenches 1-11A
- iii. SWMUs 14-16: Low-Level Radioactive Waste Trenches 11B-14
- iv. SWMU 17: Resin Tanks

(b) Bonneville Power Administration

- i. SWMU 3: Midway Substation M-1 Landfill
- ii. SWMU 4: Midway Substation M-2 Landfill
- iii. SWMU 7: Midway Substation Dry Well No. 1

(c) WPPSS Hanford Generating Plant

[Reserved] Specify sampling location appropriate for selection

(d) State leased lands (excluding US Ecology)

[Reserved]

III.B. DEFERRED CORRECTIVE ACTION REQUIREMENTS

III.B.1. RCRA corrective action requirements for SWMUs identified in Permit Condition III.A.1. will be deferred for one calendar year pending evaluation

of progress made on SWMU investigation and/or remediation under the Model Toxics Control Act (MTCA), Chapter 70.105D Revised Code of Washington, and MTCA regulations, Chapter 173-340 Washington Administrative Code. If, within one calendar year, the SWMUs identified in Permit Condition III.A.1.(a) through (d) have not either been:

- (a) remediated to cleanup standards suitable for RCRA corrective action purposes;
- (b) determined appropriate for no further action by means of comparison of residual concentrations of contaminants with MTCA and RCRA corrective action cleanup standards; or
- (c) administratively addressed by either a filed MTCA consent decree (pursuant to WAC 173-340-520), a final MTCA Agreed Order (pursuant to WAC 173-340-530) or a MTCA Enforcement Order (pursuant to WAC 173-340-540),

the Administrator will, in consultation with the Director of the Department, either extend the schedule for completion of activities listed in (a) through (c) above, or provide written notification to the Permittee that RCRA corrective action will no longer be deferred and activate permit conditions III.C. through III.E. If the schedule is extended, the written notification from the Administrator will specify the duration of the extension and the specific milestones or dates at which the decision to defer RCRA corrective action will be revisited.

III.C. RCRA FACILITY INVESTIGATION

III.C.1 Within ninety (90) calendar days of the Permittee's receipt of a written request by the Administrator, the Permittee shall submit a draft RCRA Facility Investigation (RFI) workplan to determine the nature and extent of potential releases from applicable SWMUs of hazardous constituents as defined by 40 CFR Part 261 Appendix VIII.

The RFI workplan shall:

- III.C.1.a** Include a general description of the SWMU;
- III.C.1.b** Specify sampling locations and the rationale for selection of sample locations;
- III.C.1.c** Specify constituents to be sampled for and the rationale for the selection of these constituents;
- III.C.1.d** Specify sampling methods and procedures for decontamination of sampling equipment;
- III.C.1.e** Specify analytical techniques. These techniques must be in accordance with

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the most recent edition of Test Methods for Evaluating Solid Waste, (EPA SW-846);

- III.C.1.f Specify QA/QC procedures, including the minimum number of trip and field blanks, matrix spikes, chain-of-custody procedures, etc.;
- III.C.1.g Describe the health and safety precautions to be followed by sampling personnel;
- III.C.1.h Identify the disposition of any wastes generated as a result of the investigation. (e.g., decontamination rinse water); and,
- III.C.1.i Include a schedule for submittal of an RFI report. In no case shall the period between the conclusion of sampling and the date of submission of the RFI report exceed 180 calendar days unless an extension is granted by the Administrator.
- III.C.2 The RFI report shall include an analysis and summary of all facility investigations and the results of such investigations including quality assured results of all analytical tests, and laboratory detection limits achieved for each constituent.
- III.C.3 The Agency will review, and then approve or disapprove the RFI workplan and RFI report. If disapproved, the Permittee will be directed to modify the RFI workplan and/or RFI report to meet the Agency's concerns.
- III.C.4 Final acceptance of the RFI workplan and the RFI report shall not require a permit modification. The Permittee shall implement this RFI workplan in accordance with its terms and schedules upon acceptance or modification of the workplan by the Agency.
- III.D **CORRECTIVE ACTION**
- III.D.1 If the Administrator determines, on the basis of the RFI report, that corrective measures to remediate releases of hazardous waste or hazardous constituents are necessary to protect human health and the environment, the Administrator will advise the Permittee of this determination, and the reasons therefore, in writing.
- III.D.1.a Within ninety (90) calendar days of receipt of the Administrator's notification of determination, the Permittee shall submit a corrective measures implementation (CMI) workplan to remediate releases documented by the RFI report. The CMI workplan shall include a description of the proposed corrective measures, a sampling program to confirm the extent of each corrective measure, and a schedule for implementation of these corrective measures and the sampling program. Alternatively, the Permittee may submit a corrective measures study (CMS)

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workplan to evaluate the effectiveness of various technologies. Such a CMS plan must include thorough procedures for testing and verification of test results, as well as a schedule for CMS completion and submittal of final report.

- III.D.1.b The Agency will review, and then approve or disapprove the CMI or CMS workplan (or CMS report). If disapproved, the Permittee will be directed to modify the CMI or CMS workplan (or CMS report) to meet the Agency's concerns.
- III.D.1.c Should the Permittee choose to submit a CMS workplan for all or part of the remediation needs, the Permittee shall, upon Agency acceptance of the CMS report, commence the CMI workplan approval process described under Permit Conditions III.D.1.
- III.D.1.d Upon Agency approval of the CMI workplan, the Permittee shall request a permit modification pursuant to 40 CFR §270.42 to implement the workplan.
- III.D.2 Upon the effective date of the permit modification required by permit condition III.D.1.d, the corrective measures workplan shall be implemented by the Permittee according to its terms and schedule.

III.E INTERIM MEASURES

III.E.1 If the Administrator or the Permittee determine, on the basis of information submitted by the Permittee, pursuant to permit condition III.B, or any other information, that interim measures are necessary to protect human health and the environment from a release of hazardous waste or hazardous constituents from a solid waste management unit, the Permittee may be required to implement interim measures. Such interim measures will be included in this permit pursuant to 40 CFR §270.41 or §270.42.

III.E.2*** Interim Measures for Solid Waste Management Units covered under the FFACO shall be developed and implemented by the Permittee in accordance with the FFACO.(Article XIII.39)

III.F. DISCOVERY OF NEW SOLID WASTE MANAGEMENT UNITS

III.F.1 The Permittee shall notify the Administrator in writing of any newly-identified SWMU at the facility, excluding those areas of the Hanford Facility covered by the FFACO, no later than thirty (30) calendar days after the date of discovery. The notification shall include, but not be limited to, the following known information:

III.F.1.a A description of the SWMU's type, function, dates of operation, location (including a map), design criteria, dimensions, materials of construction, capacity, ancillary systems (e.g., piping), release controls, alterations made to the unit, engineering drawings, and all closure and post-closure information available, particularly whether wastes were left in place;

III.F.1.b A description of the composition and quantities of solid wastes processed by the units with emphasis on hazardous wastes and hazardous constituents; and

III.F.1.c A description of any release (or suspected release) of hazardous waste or hazardous constituents originating from the unit. Include information on the date or release, type of hazardous waste or hazardous constituents, quantity released, nature of the release, extent of release migration, and cause of release (e.g., overflow, broken pipe, tank leak, etc.). Also provide any available data which would quantify the nature and extent of environmental contamination, including the results of soil and/or groundwater sampling and analysis efforts. Likewise, submit any existing monitoring information that indicates releases of hazardous waste or hazardous constituents have not occurred or are not occurring.

III.F.2 Upon receipt of the notification of any newly-identified SWMU, the Administrator may request the Permittee to submit a draft RFI workplan and/or perform corrective measures in accordance with the specifications contained in permit conditions III.A through III.E.

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III.F.3

In lieu of a RCRA Facility Investigation, the Permittee may propose either to incorporate any newly-identified SWMU into an ongoing RCRA Facility Investigation or to submit a proposal for the performance of corrective measures at such newly-identified SWMU in accordance with the provisions of permit condition III.D, or interim measures in accordance with the provisions of permit condition III.E. Any such proposal shall be submitted to the Administrator along with notification of the discovery of the SWMU(s).

9/3/92

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